



## **Accident Reporting, Investigation And Review Procedures**

### **Policy**

Employees of RGRTA and its subsidiaries will report all fleet vehicle (both revenue and non-revenue) incidents and accidents in accordance with federal and state laws and company policy. This includes all: (i) on-board incidents resulting in an observed, reported or claimed injury, (ii) collisions with other vehicles, persons, or other objects, and (iii) on-board fires. All reasonable efforts should be made to obtain all relevant, available information and/or evidence to assist in determining the cause and the effects of the incident or accident, manage any claims arising from the incident or accident, determine the preventability of the incident or accident, and train and/or discipline the operator as appropriate. Determination of whether an incident/accident was "preventable" shall be based on the standards described in: (i) the New York State Department of Transportation Statewide Standardization document entitled "The Determination of Accident Preventability"; (ii) the Motor Fleet Safety Manual published by the National Safety Council; (iii) the School Bus Accident Preventability Guidelines (PTSI, 2005); and (iv) the Baitfish Program standards.

### **Procedures**

- A. **Operators** (Note: for purposes of these procedures, the term "operator" shall mean an employee duly authorized to operate a fleet vehicle including but not limited to: bus operators; operations supervisors; maintenance department employees and supervisors; and couriers.)
1. Operators must report all accidents/incidents including: collisions with vehicles, persons, or other objects; on-board incidents where the customer reports or claims injury or the operator observes what appears to be an injury; and on-board vehicle fires.
  2. Operators must contact Radio Control by on-board two-way radio to report the accident. Operators must provide Radio Control with the following information:
    - a. Block and Bus number
    - b. Operator badge number
    - c. Nature of accident/incident
    - d. Exact street location of the bus
    - e. Nature of any injuries and if ambulance is needed/requested
  3. Operators must attempt to identify customers on-board who may have witnessed the accident/incident. Operators must distribute Customer Courtesy Cards to and collect Customer Courtesy Cards from customers who witnessed accident/incident before the customers leave the scene, if possible. Operators must submit all collected Customer Courtesy Cards to responding RTS Road Supervisor.
  4. Operators may discuss circumstances of the accident/incident **ONLY** with: responding police/law enforcement officers, firefighters or emergency medical personnel (at scene

only); company Road Supervisors and other company management staff; and the Company Claims Department staff. If expressly directed by company management staff, Operators may also discuss the accident/incident with other agencies or representatives. Operators/employees **MUST NOT** discuss the causes/circumstances of the accident/incident with the other involved motorist(s), other involved vehicle(s) passengers, news media representatives, or any other persons unless directed to do so by company management staff.

5. Operators must complete the Accident Packet Information Card (see attached); Operator Accident Report (either Vehicle Accident or Non-Vehicle Incident); and Employee Injury Report (if applicable) **and submit these reports to responding Road Supervisor before leaving work after end of shift on date of accident/incident.** If the Operator is incapacitated due to injury from accident/incident, the Operator must submit the reports as soon as his/her medical condition allows.

## **B. Radio Control**

1. Upon receiving communication from Operator reporting the incident or accident, the receiving Radio Controller must obtain the following information:
  - a. Block and Bus number
  - b. Nature of accident/incident
  - c. Exact street location of the bus
  - d. Nature of any injuries and if ambulance is needed/requested
2. The Radio Controller must notify the local 911 Center to request any emergency response needed, including: police/law enforcement; firefighters; emergency medical service (ambulance). The Radio Controller must provide the 911 call-taker with any other information requested, as available.
3. The Radio Controller must dispatch RTS Road Supervisor(s) to the scene to investigate and make initial report back to Radio Controller.
4. In cases of a reported major or serious accident/incident including: serious or potentially life threatening injury; multiple injuries; pedestrian struck; fatality; or fire on bus the Radio Controller must notify or cause to be notified the following personnel:
  - a. **Director of Public Safety, RTS (notify first)**
  - b. **Director of Transit Operations, RTS (notify first)**
  - c. **Road Safety Manager, RTS. (notify first)**
  - d. Chief Executive Officer, RGRTA
  - e. Chief Operating Officer, RGRTA
  - f. Chief Administrative Officer, RGRTA
  - g. V.P. Legal Affairs, RGRTA
  - h. Risk Manager, RGRTA
  - i. Claims Manager, RGRTA
  - j. Director of Communications and Marketing, RGRTA
  - k. Director of Maintenance, RTS
5. Upon request or when indicated, the Radio Controller must:
  - a. Notify the on-call certified breath-alcohol technician/specimen collector to administer post-accident drug/alcohol testing of the involved operator; and advise on estimated time of operator's arrival at RGRTA medical office, OR other location of test (i.e. name, location of hospital).
  - b. Arrange for transport of involved operator for post-accident testing
  - c. Arrange to change-off, fill-in, or tow the involved fleet vehicle.

### C. Road Supervisors

1. Road Supervisors must respond immediately and safely to the scene of the reported accident/incident as directed by Radio Control, obeying all vehicle and traffic laws and traffic control devices.
2. Upon arrival at scene, Road Supervisors must:
  - a. Protect the scene from additional hazards or incident by positioning supervisor vehicle and using flashers/light bar to warn other motorists.
  - b. Make an initial assessment of the situation and advise Radio Control.
  - c. Interview the Operator, and obtain initial account of accident/incident, and what steps Operator has taken to gather witnesses and render assistance to customers. Assess Operator and any customers and others for injuries. If appropriate, seat the Operator in the Supervisor vehicle.
  - d. Notify Radio Control of any other needed assistance, including: police, fire, emergency medical service (ambulance); other road supervisors; detours; change-off, fill-in, or towing of involved fleet vehicle; clean-up crew; operator post-accident drug/alcohol testing arrangements; transport for any remaining customers; and/or notification of RTS management.
  - e. Coordinate with on-scene emergency personnel (police, fire, emergency medical service) as necessary; and facilitate exchange of information with investigating police officer regarding Operator, other motorist(s), bus or other vehicle passengers' information, and witness information, and obtain police report number (CR number).
  - f. Photograph scene including: overall views, damage to vehicles or property, views from operators' perspectives; skid marks of any involved vehicles; views from bystander/witnesses; overall views of vehicles including vehicle registrations/license plates; or any other relevant images.
  - g. Interview involved Operator and any other involved motorist, passengers, witnesses, or other agency personnel with knowledge of incident and obtain their name, address, and phone number for call back. Collect any Customer Courtesy Cards from Operator or witnesses. Document all statements.
  - h. Identify hospital(s) to which any injured parties have been transported and arrange for follow-up to check on condition of injured.
  - i. Determine if the involved bus is equipped with on-board video system, and request system administrator to secure the video of incident for review. If necessary, secure the on-board digital video recorder itself, and safeguard for evidence.
  - j. Prepare field sketch of accident scene to include with Supervisor's accident report.
  - k. Complete all information as required for DART "Supervisor's Investigation Report"—including downloaded digital photos, scanned field sketch, and scanned Customer Courtesy Cards -- and submit report for supervisory review.
  - l. Complete "Employee Injury Report" if applicable.
  - m. Complete "Road Supervisor Accident Package Checklist"; place all investigation materials in an envelope; and notify Claims Department that the envelope is ready for pick up.
3. Serious accidents, incidents, fires. In the event of serious accidents, incidents, or fires, whether PTSB reportable or not, Road Supervisors, in addition to above steps, must:
  - a. When possible, secure Operator at scene in Road Supervisor vehicle, limiting access only to law enforcement or company management.
  - b. Notify Operations Management either directly or by Radio Control.

- c. Identify all passengers on involved company vehicle, including name, address, telephone number, nature or complaint of any injury, and name of hospital transported to.
- d. Make arrangements through the Director of Maintenance or on-duty Maintenance Supervisor to download any on-board data recorder (D-DEC) that would provide last event vehicle performance data. (**Note: To safeguard this data, vehicle must not be moved until data is downloaded by Maintenance supervisor.**)
- e. Remove and secure the on-board digital video recorder (DVR) if bus is equipped.
- f. Locate, review, and secure the involved bus Vehicle Inspection Report (VIR) pad.
- g. Arrange to tow involved vehicle and secure vehicle with yellow caution tape and warning label in company Maintenance facility. Access to involved vehicle will be restricted until further notice, and no repairs will be made.

**D. Director of Transit Operations -- PTSB notification:** In cases where the incident or accident requires notification of the state Public Transportation Safety Board (PTSB), the Director of Transit Operations, or his/her designee, must notify or cause to be notified the PTSB by calling **(518) 485-2448**, Mon-Fri 8AM-4PM; or after business hours at **(518) 457-3765**. Accidents/incidents requiring PTSB notification include:

- 1. Fatality (death occurs within 24 hours of accident/incident)
- 2. Five (5) or more persons injured (including any/all vehicles or persons involved)
- 3. Accidents/incidents caused by mechanical failure, including but not limited to all fires in revenue service requiring passenger evacuation and response by a fire department, whether or not injuries occurred.

**E. RTS Operations Management**

- 1. At least one member of the RTS Operations Management staff (Road Safety Manager, Director of Public Safety, or Director of Operations) must respond to the scene of any serious accident, incident or fire and must:
  - a. Obtain briefing from on-scene Road Supervisor and facilitate any additional assistance or resources needed.
  - b. Notify or cause to be notified his/her immediate supervisor and any other management staff as listed in B., 4 above, and report presence of any on-scene news media.
  - c. Determine if the accident, incident, or fire is PTSB reportable, and make the appropriate notification to PTSB.
  - d. Direct any necessary follow-up activities including: on-going condition checks of any injured parties; review of on-board video or vehicle recorder (D-DEC) data, or recorded voice logger audio related to the case and documentation of such reviews; facilitate/request any additional reports from law enforcement such as police reports or accident reconstruction reports that may assist in determining the cause of the accident; coordinate follow-up with other RGRTA departments (Maintenance, Claims, Human Resources, Risk Management, Legal Affairs, Communications/Marketing).
- 2. In cases of PTSB reportable incidents or accidents, the responding Operations management staff member will facilitate the collection of all additional information and documents requested by the PTSB. This information must be collected, duplicated, and assembled so that it can be presented to the PTSB investigator upon his/her arrival—usually within 24 hours. Operations management will meet with the responding PTSB

investigator and facilitate any requests for assistance for the duration of the on-site investigation.

3. RTS Operations Management must routinely (no less frequently than once per week) review, correct or cause to be corrected, and approve all Road Supervisor reports of incidents and accidents entered in the DART system.

F. **Claims Manager** - The Claims Manager, with the assistance of the Claims Analyst, will:

1. Maintain files of all reported incidents and accidents and manage the intake and processing of related claims against the company.
2. Review all accident and other related reports submitted by Operators, Road Supervisors, or other employees and identify any missing information.
3. Request any additional related reports or documents including: police reports; operator reports; etc. that were not included in the Road Supervisor's submitted package.
4. Review the Courtesy/Witness Cards and initiate follow-up interviews of and written statements from identified witnesses.
5. Coordinate any litigation with the Risk Manager and outside counsel, as necessary.
6. Assemble and deliver the following materials to the Accident Review Committee:
  - a. Accident Packet Information Card
  - b. Operator Report
  - c. Road Supervisor's Report
  - d. Witness/Courtesy cards
  - e. Witness contact checklist
  - f. Statements obtained from witnesses and/or other driver(s) involved
  - g. Police and/or Fire Dept Reports
  - h. Photos from the scene of the accident or of damage caused
  - i. Video or audio recordings
  - j. Maintenance records of vehicle, if applicable
  - k. Operator Post Accident Drug/Alcohol Test Form
  - l. DMV Abstract for Accident
  - m. Operator's Accident Record History
  - n. Any other materials obtained during the course of the investigation
7. If the decision of the Accident Review Committee is appealed, deliver to the Appeals Committee all of the materials set forth in #6 along with a copy of the Accident Review Committee's decision.

G. **Accident Review Committee**

1. The Accident Review Committee will meet weekly to review all incidents and accidents occurring during the previous week. The review shall include the consideration of all reports and investigative materials as well as the Accident Preventability Guide and

Baitfish Program standards to determine if the incident/accident was preventable or non-preventable.

2. The Accident Review Committee Determination and Operator Notification will be completed by the designated Accident Review Committee member specifically identifying the basis for the Committee's decision and shall be delivered to Dispatch for further delivery to the Operator. The document shall be delivered in an envelope which is not identified as being related to the incident or accident or the review thereof.
3. If the Operator wishes to appeal the Accident Review Committee's determination, he/she must complete the Request for Accident Appeal and submit it to the Appeals Committee Coordinator within 15 days of receipt of the Accident Review Committee Determination and Operator Notification.
4. Promptly upon receipt of the Request for Accident Appeal, the Appeals Committee Coordinator will notify the Claims Manager and will schedule the appeal, notifying the Claims Manager of the date on which the appeal will be considered.
5. At least three days prior to the scheduled date of the appeal, the Accident Review Committee Checklist of Documents will be provided to the Accident Appeals Committee by the Claims Manager along with all of the documents indicated therein.

#### H. **Appeals Committee**

1. The Appeals Committee will use the Accident Prevention Guide as well as other appropriate materials to make its determination. A member of the Accident Review Committee may be present at the Appeal in order to provide clarification of the basis for the Accident Review Committee's determination.
2. The Appeals Committee shall make a determination as to whether the accident is "preventable" or "non-preventable" by majority vote.
3. The Appeals Committee Coordinator will verbally notify the Accident Review Committee of the Appeals Committee decision within three business days after the Appeals Committee has made a decision.
4. The Arbitrator will prepare a memorandum explaining the decision of the Appeals Committee in more detail and will send a copy of that memorandum to the Operator and to the Accident Review Committee.

**Notice to Operator -- Do Not Discuss This Incident with Anyone  
Except Transit Representatives and, if Required, the Police.**

Completing the following form as completely as possible will help you prepare your report. Use the back of this form if you need more space and to make any other notes that will help you remember what happened.

Location \_\_\_\_\_ Date \_\_\_\_\_  
Time \_\_\_\_\_ Bus # \_\_\_\_\_ Block # \_\_\_\_\_ Badge # \_\_\_\_\_  
Did Police Respond?  No  Yes Department \_\_\_\_\_

**VEHICULAR ACCIDENTS  
OTHER VEHICLE**

Operator's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Owner's Name (if different) \_\_\_\_\_  
Address: \_\_\_\_\_

Vehicle Make, Model and Year: \_\_\_\_\_  
Plate # \_\_\_\_\_ State \_\_\_\_\_  
Insurance Co. \_\_\_\_\_ Policy # \_\_\_\_\_

Bus was:  Standing  Moving Approximate Speed \_\_\_\_\_ mph  
Weather Conditions:  Clear  Cloudy  Rainy  Snowy  
Road Conditions:  Dry  Icy  Slushy  Snowy  Wet  
Injuries?  No  Yes If so, who was injured what was the apparent nature  
of the injury. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Damage to Transit Vehicle?  No  Yes If so, describe.  
\_\_\_\_\_  
\_\_\_\_\_

Damage to the Other Vehicle?  No  Yes If so, describe.  
\_\_\_\_\_  
\_\_\_\_\_

Damage to the Other Property?  No  Yes If so, describe.  
\_\_\_\_\_  
\_\_\_\_\_

**OTHER INCIDENTS WITH INJURIES**

Was the injured person:  Boarding Front Door  Boarding Back Door  
 Alighting Front Door  Alighting Back Door  
 Outside the Bus – How Far from Bus? \_\_\_\_\_  
How Far was Bus from curb? \_\_\_\_\_  
 Carrying packages  Using Handrails

Did the injured person use:  Cane  Walker  Wheelchair

Other Mobility Device (identify) \_\_\_\_\_

Injured person's footwear: Type \_\_\_\_\_ Condition \_\_\_\_\_

Bus was:  Standing  Moving

Stopping - Approximate Speed Before Began Stopping \_\_\_\_\_ mph

Weather Conditions:  Clear  Cloudy  Rainy  Snowy

Road Conditions:  Dry  Icy  Slushy  Snowy  Wet

Injuries: Identify to the best of your ability, the apparent nature of the injury  
suffered by each injured individual.  
\_\_\_\_\_  
\_\_\_\_\_

**BOTH**

# of Courtesy Cards Distributed: \_\_\_\_\_

Names and Telephone Numbers of Witnesses:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CUSTOMER COURTESY CARD**

**I am required to report any unusual incident which occurs while operating the bus. Please describe the accident or incident that just occurred. Your comments will assist us in determining precisely what happened.**

**REMARKS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_  
**Address** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip** \_\_\_\_\_



# Operator Accident Report – Vehicle Accidents

Please provide the information below as completely as possible and submit the completed form to either the Dispatch Office or the Road Supervisor on the same day as the accident. Use additional pages if necessary.

**Notice to Operator -- Do Not Discuss This Accident with Anyone Except Transit Representatives.**

RTS  BBS  LATS  LL  OTS  STS  WATS  WYTS

## Transit Operator Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Badge #: \_\_\_\_\_ Tel #: \_\_\_\_\_

## Other Vehicle

Operator's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Vehicle License Plate #: \_\_\_\_\_ State:  N.Y.  Other (specify) \_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Year: \_\_\_\_\_

Insurance Company/Code: \_\_\_\_\_ Policy #: \_\_\_\_\_

## Accident Information

Date: \_\_\_\_\_, 200\_\_

Time: \_\_\_\_\_  am  pm

Location \_\_\_\_\_

Bus No. \_\_\_\_\_ Line \_\_\_\_\_ Block # \_\_\_\_\_

Bus was:  Standing  Moving Approximate Speed \_\_\_\_\_ mph

Weather Conditions:  Clear  Cloudy  Rainy  Snowy

Road Conditions:  Dry  Icy  Slushy  Snowy  Wet

Injuries?  No  Yes If so, identify who was injured and, to the best of your ability, the apparent nature of the injury.

\_\_\_\_\_

\_\_\_\_\_

Damage to Transit Vehicle?  No  Yes If so, describe the apparent nature of the damage.

\_\_\_\_\_

\_\_\_\_\_

Damage to the Other Vehicle?  No  Yes If so, describe the apparent nature of the damage.

\_\_\_\_\_

\_\_\_\_\_

Damage to the Other Property?  No  Yes If so, describe the apparent nature of the damage.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





# Operator Incident Report Non-Collision Accident or Incident

Please provide the information below as completely as possible and submit the completed form to either the Dispatch Office or the Road Supervisor on the same day as the incident. Use additional pages if necessary.

**Notice to Operator -- Do Not Discuss This Incident with Anyone  
Except Transit Representatives.**

RTS  BBS  LATS  LL  OTS  STS  WATS  WYTS

## Transit Operator Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Badge #: \_\_\_\_\_ Tel #: \_\_\_\_\_

## Injured Person(s)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

## Incident Information

Date: \_\_\_\_\_, 200\_\_

Time: \_\_\_\_\_ am pm

Location \_\_\_\_\_

Bus No. \_\_\_\_\_ Line \_\_\_\_\_ Block # \_\_\_\_\_

Was a Road Supervisor called?  Yes  No

Was the injured person:  Boarding Front Door  Boarding Back Door

Alighting Front Door  Alighting Back Door

Outside the Bus – How Far from Bus? \_\_\_\_\_

How Far was Bus from curb? \_\_\_\_\_

Carrying packages  Using Handrails

Did the injured person use:  Cane  Walker  Wheelchair

Other Mobility Device (identify) \_\_\_\_\_

Injured person's footwear: Type \_\_\_\_\_ Condition \_\_\_\_\_

Bus was:  Standing  Moving

Stopping - Approximate Speed Before Began Stopping \_\_\_\_\_ mph

Weather Conditions:  Clear  Cloudy  Rainy  Snowy

Road Conditions:  Dry  Icy  Slushy  Snowy  Wet

Injuries: Identify to the best of your ability, the apparent nature of the injury suffered by each injured individual.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## Road Supervisor Accident Package Checklist

Date of Accident: \_\_\_\_\_

Operator Name: \_\_\_\_\_

Operator Experience with Company: \_\_\_\_\_

### Check items included in accident package:

- Accident Packet Information Card
- Operator Report
- Road Supervisor's Report
- Witness/Courtesy cards
- Witness contact checklist
- Statements obtained from witnesses and/or other driver(s) involved
- Police and/or Fire Dept Reports
- Photos from the scene of the accident or of damage caused
- Video or audio recordings
- Maintenance records of vehicle, if applicable
- Operator Post Accident Drug/Alcohol Test Form
- DMV Abstract for Accident
- Operator's Accident Record History

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



## Witness Protocol

It is imperative that all accidents despite the severity be investigated thoroughly. A critical component of this investigation is witnesses. In order to make a fair and concise determination with regards to accident preventability, it is absolutely necessary to obtain as much information on the accident as possible. This form will verify that the appropriate parties have made every effort to obtain information from witnesses as possible.

### Protocol

1. Accident occurs
2. Bus operator dispenses courtesy/witness cards to passengers and collects them once completed
3. Once accident packet is received from Operations, the appropriate claims personnel will review all courtesy/witness cards
4. Names and telephone numbers of the witnesses that have completed a courtesy card will be documented on the Witness Checklist
5. Claims personnel will contact the witness(es) and document any contact made with the witness or any attempts to contact the claimant on the Witness Checklist
6. Claims personnel will make 3 attempts within 3 business days to contact the claimant and if no response is obtained, a contact letter will be sent to the witness requesting a phone call to the Claims Department.
7. Claims Department will conduct the investigation with the witness per the Witness Template as designed by the Accident Review Committee
8. All conversations had or attempted contact with witness(s) will be documented and included with the materials submitted to the Accident Review Committee for determination.

Attached is the Witness Checklist. Please make sure to document the checklist every time that a contact is attempted or made with the witness. We anticipate that a diligent effort will be made to contact witnesses in a timely fashion in order to secure a fair and accurate determination.



## Witness Contact Checklist

Employee Name: \_\_\_\_\_ Badge #: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Address: \_\_\_\_\_

Witness Tel #: \_\_\_\_\_

Date and time:

1<sup>st</sup> contact: \_\_\_\_\_ contact made? \_\_\_\_\_

2<sup>nd</sup> contact \_\_\_\_\_ contact made? \_\_\_\_\_

3<sup>rd</sup> contact \_\_\_\_\_ contact made? \_\_\_\_\_

Witness contact letter sent? \_\_\_\_\_ date/time: \_\_\_\_\_

Please list details of the discussion with the witness mentioned above:

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Witness Name: \_\_\_\_\_

Witness Address: \_\_\_\_\_

Witness Tel #: \_\_\_\_\_

Date and time:

1<sup>st</sup> contact: \_\_\_\_\_ contact made? \_\_\_\_\_

2<sup>nd</sup> contact \_\_\_\_\_ contact made? \_\_\_\_\_

3<sup>rd</sup> contact \_\_\_\_\_ contact made? \_\_\_\_\_

Witness contact letter sent? \_\_\_\_\_ date/time: \_\_\_\_\_

Please list details of the discussion with the witness mentioned above:

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Witness Name: \_\_\_\_\_

Witness Address: \_\_\_\_\_

Witness Tel #: \_\_\_\_\_

Date and time:

1<sup>st</sup> contact: \_\_\_\_\_ contact made? \_\_\_\_\_

2<sup>nd</sup> contact \_\_\_\_\_ contact made? \_\_\_\_\_

3<sup>rd</sup> contact \_\_\_\_\_ contact made? \_\_\_\_\_

Witness contact letter sent? \_\_\_\_\_ date/time: \_\_\_\_\_

Please list details of the discussion with the witness mentioned above:

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Witness Name: \_\_\_\_\_

Witness Address: \_\_\_\_\_

Witness Tel #: \_\_\_\_\_

Date and time:

1<sup>st</sup> contact: \_\_\_\_\_ contact made? \_\_\_\_\_

2<sup>nd</sup> contact \_\_\_\_\_ contact made? \_\_\_\_\_

3<sup>rd</sup> contact \_\_\_\_\_ contact made? \_\_\_\_\_

Witness contact letter sent? \_\_\_\_\_ date/time: \_\_\_\_\_

Please list details of the discussion with the witness mentioned above:

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To contest a determination that the accident was preventable, you must complete the attached Request for Accident Appeal form and submit it to the Accident Appeals Committee within 15 days of your receiving this notice

## Accident Review Committee Decision and Operator Notification

**Operator:**  
**Date of Accident:**  
**Date of Review:**  
**Reviewed by:**  
**Safety and Training Dept:**  
**Operations Dept:**  
**Legal/Claims Dept:**

**Badge #:**  
**File #:**

**Operator Referred for Retraining**

**Para Transit & Regionals:**

**Did an accident/incident occur?**  Yes  No

*The above accident was reviewed by the Accident Review Committee and found to be:*

**Preventable**       **Non-Preventable**       **Inconclusive**

**Reason(s) for a determination that the accident was Preventable is/are:**

**Failure to Satisfy General Preventability Standard**

*"Professional drivers must drive in a manner as to identify accident producing situations soon enough to take reasonable and prudent action to avoid an accident" and in the manner that "compensates for all driving conditions including unsafe actions of others."*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"<sup>1</sup>

**Mobility Devices**

*"Any accident caused by a mobility device not being fastened to the bus is preventable. It is the responsibility of the driver to assure that all mobility devices are properly fastened to the bus according to ADA guidelines and company policy."*

- "School Bus Accident Preventability Guidelines" (PTSI, 2005)

**Intersections**

*"It is the responsibility of a professional driver to approach, enter and cross intersections prepared to avoid accidents that might occur through the action of other drivers. The driver's failure(s) to take precautionary measures prior to entering the intersection are factors to be studied in making a decision."*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

**Backing**

*"Practically all backing accidents are preventable. A driver is not relieved of his responsibility to back safely when a guide is involved in the maneuver. A guide cannot control the movement of the vehicle; therefore, a driver must check all clearances for himself"*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

**Passing** *"Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver must observe before attempting the maneuver. Unusual actions of the driver being passed or of oncoming traffic might appear to exonerate a driver involved in a passing accident, however, the entire passing maneuver is voluntary and the driver's responsibility."*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

<sup>1</sup> NYS DOT Statewide Standardization, "The Determination of Accident Preventability" is the document setting forth the requirements and criteria under the BAITFISH Program

*"Passing safely is the responsibility of the driver. The entire passing maneuver is considered voluntary and becomes the driver's responsibility to make sure that it is done safely and effectively. Blind spots are not valid excuses for accidents. The operator must make extra allowances in any area of limited sight distances. When a driver is being passed on either the right or the left side of the bus, it is the operator's responsibility to yield to the passing vehicle by slowing down or moving out of the way."*

- "School Bus Accident Preventability Guidelines" (PTSI, 2005)

### Being Passed

*Sideswipes and cut-offs involving a professional driver while he is being passed or preventable when he fails to yield to the passing vehicle is slowing down or moving to the right where possible.*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

### Lane Encroachment

*"A safe driver is rarely a victim of entrapment by another driver when changing lanes. Similarly, entrapment in merging traffic is an indication of unwillingness to yield to other vehicles or to wait for a break in traffic. Blind spots are not valid excuses for lane encroachment accidents. Drivers must make extra allowances to protect themselves in areas of limited site distances. Squeeze plays causing involvement with parked cars, pillars and other road structures, can be prevented by dropping back when it is apparent that the other driver is forcing the issue or contesting a common portion of the road."*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

### Grade Crossings

*"Collisions with fixed rail vehicles, such as trains, streetcars, etc., occurring at grade crossing, in traffic, in a rail yard, switch area or on private property are the responsibility of the professional driver to prevent. When a vehicle is parked across a rail siding, the driver must first determine it is safe and permissible and, furthermore, must stand by in case conditions change by the movement of the rail cars during the parking interval"*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

### Turning

*"Failure to signal, to properly position the vehicle for the turn, to check the rearview mirrors, to check pedestrian lanes or take any other defensive action should be considered. Sudden turns by other drivers should be carefully examined. You may find that your driver failed to take precautionary tip-offs from the other vehicle immediately preceding the incident. U-turns by your driver that result in a collision are preventable."*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

### Weather

*"Adverse weather conditions are not a valid excuse for being involved in an accident. Rain, snow, fog, sleet or icy pavement has never caused an accident. These conditions merely increase the hazards of driving. Failure to adjust driving to the prevailing weather conditions should be cause for deciding an accident preventable."*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

### Fixed Object

*"Collisions with fixed objects are preventable. They usually involve failure to check or properly judge clearances. New routes, resurfaced pavements, marquees projecting over traveled section of road and similar situations are not, in themselves, valid reasons for excusing a driver being involved. The driver must be constantly on the lookout for such conditions to avoid accidents."*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

### Disabled Bus

*"If a mechanical problem occurs, it the driver's responsibility to attempt to protect the disabled bus. Attempt to stop the bus in a safe location, well off the roadway and well away from through traffic. Activate flashers at once and place triangle reflectors appropriately. All passengers should be evacuated to a safer area as soon as possible."*

- "School Bus Accident Preventability Guidelines" (PTSI, 2005)

### Pedestrians

*"A driver who fails to reduce his/her speed when bicycles, motor scooters or pedestrians are within sight distance has failed to take the necessary precaution to prevent an accident. Keeping within the posted speed limits is not taking the proper precaution when unusual conditions call for voluntary reduction of speed. School zones, shopping areas, residential streets and other areas with special pedestrian traffic must be traveled at reduced speed equal to the particular situation. An unusual route of a pedestrian at mid-block or from between parked vehicles does not necessarily relieve a driver from taking precautions to prevent such accidents."*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

### Driveway

*"Failure to slow down, sound a warning or to yield to the other driver whose vehicle is originating from alleys, driveways, plant entrances and other special intersecting locations can be considered cause to judge such an accident preventable."*

- NYS DOT Statewide Standardization, "The Determination of Accident Preventability"

### Mechanical (Specify below whether the driver was responsible for the accident arising out of the mechanical problem.)

*"Any accident caused a mechanical failure that reasonably could have been detected by the driver, but went unheeded, should be judge preventable. It is the driver's responsibility to report unsafe vehicle conditions for repairs and to obtain immediate repairs where continued operation might result in an accident. When mechanical difficulties occur unexpectedly during a trip, and a driver, upon discovery, fails to check with the company for emergency instructions prior to an accident, the accident is preventable. An accident caused by mechanical failure that results from abusive driving should be considered preventable."*

- **NYS DOT Statewide Standardization, "The Determination of Accident Preventability"**

*"If a mechanical problem developed during the bus route, and the driver did not stop the bus at the first safe location, a subsequent accident should be regarded as preventable on the bus driver's part."*

- **"School Bus Accident Preventability Guidelines" (PTSI, 2005)**

**Animal Related**

*"When evasive action to avoid striking an animal results in a crash with another vehicle or a fixed object, a layover, or a rollover, the accident should be considered preventable on the part of the driver."*

- **"School Bus Accident Preventability Guidelines" (PTSI, 2005)**

**Front-End Collision**

*"Regardless of the abrupt or unexpected stop of the vehicle ahead, your driver can prevent accidents by maintaining a safe following distance at all times. Overdriving headlights at night is common cause of front-end collisions. Night speed should not be greater than that which will permit the vehicle to come to a stop within the forward distance illuminated by the vehicle's headlights."*

- **NYS DOT Statewide Standardization, "The Determination of Accident Preventability"**

**Opposing Vehicles**

*"Even though an opposing vehicle enters your driver's traffic lane, it may be possible for your driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and your driver failed to slow down, stop or move to the right to allow the vehicle to re-enter his own lane, he has failed to take action to prevent the occurrence. Failure to signal the opposing driver by flicking the headlights, or sounding the horn should also be taken into account."*

- **NYS DOT Statewide Standardization, "The Determination of Accident Preventability"**

**Rear-End Collision**

*"Rear end collisions preceded by a roll back, an abrupt stop at a grade crossing, when a traffic signal changes, or when your driver fails to signal a turn at an intersection, should be charged preventable. Failure to signal intentions or to slow down gradually should be considered preventable."*

- **NYS DOT Statewide Standardization, "The Determination of Accident Preventability"**

**Passenger Accidents**

*"Passenger accidents in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. Even though an incident did not involve a collision of the vehicle, it must be considered preventable when your driver stops, turns or accelerates abruptly."*

- **NYS DOT Statewide Standardization, "The Determination of Accident Preventability"**

**Behavioral Issues on the Bus**

*"An accident resulting from driver distraction due to a passenger behavior problem on the bus is a preventable accident on the bus driver's part. Bus drivers should stop the bus in a safe location when serious behavior problems occur."*

- **"School Bus Accident Preventability Guidelines" (PTSI, 2005)**

**Other:** \_\_\_\_\_

*Use additional pages if necessary.*

**Further Explanation of Determination** *(If witness statements or reports do not all agree on what happened, identify which statement(s)/report(s) were accepted as accurate and the reason.):* \_\_\_\_\_





## Accident Review Committee Checklist of Documents Provided to the Accident Appeals Committee

Date of Accident: \_\_\_\_\_

Operator Name: \_\_\_\_\_

Operator Experience with Company: \_\_\_\_\_

### Check items included in accident package submitted to the Accident Appeals Committee:

- Accident Packet Information Card
- Operator Report
- Road Supervisor's Report
- Witness/Courtesy cards
- Witness contact checklist
- Statements obtained from witnesses and/or other driver(s) involved
- Police and/or Fire Dept Reports
- Photos from the scene of the accident or of damage caused
- Video or audio recordings
- Maintenance records of vehicle, if applicable
- Operator Post Accident Drug/Alcohol Test Form
- DMV Abstract for Accident
- Operator's Accident Record History
- Accident Review Committee Decision

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_